APPENDIX 1

Stamped
Filed June 17, 1991, James H. Dempsey, Clerk
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CASE NO. P 733892

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

In the Matter of
THE ALEXANDER WEIR, JR. FAMILY TRUSTS,
ALEXANDER WEIR III; BRUCE R. WEIR,
AND CAROL J. ASHMAN,
Petitioners

vs.

JOHN WENTWORTH EVANS,
Respondent.

JUDGEMENT AFTER TRIAL
TRIAL DATE: February 11 & 13, 1991
DEPARTMENT: 11

This cause came on regularly for trial on February 11 and 13, 1991, in Department 11, of the above-entitled Court, the Honorable Edward M. Ross, Judge, Presiding. Petitioners Alexander Weir III, Bruce R. Weir and Carol J. Ashman, appeared by their attorney Gregory J. Sherwin of the law firm of Fields, Fehn & Sherwin. Respondent John Wentworth Evans appeared in pro per and in association

with John C. Doyle of the law firm of Hosp, Granieri & Cairns. Evidence, both oral and documentary, having been presented by both parties, the cause having been argued and submitted for decision,

IT IS ORDERED, ADJUDGED AND DECREED that:

1. The request of respondent John Wentworth Evans, as trustee of the Weir Family Trusts Nos. 1 and 2, to approve his full and final accounting, dated April 5, 1990, is denied.

2. The request of petitioners to surcharge respondent John Wentworth Evans for his breaches of fiduciary duty, as trustee of the Weir Family Trusts, is granted and respondent John Wentworth Evans is ordered to pay to the Weir Family Trusts Nos. 1 and 2, the sum of $404,500.00 together with interest on that sum, from January 1, 1984, to date of entry of judgement.

3. The request of respondent John Wentworth Evans for allowance of trustee's fees and expenses is denied, the Court finding that respondent's actions were not for the benefit of the trusts.

4. That Warren C. Phillips is appointed trustee of the Weir Family Trusts Nos. 1 and 2, succeeding respondent John Wentworth Evans.

5. That Warren C. Phillips is vested with all the powers that were vested in respondent John Wentworth Evans, as trustee under the written declarations of trust of Alexander Weir, Jr. and Florence Weir and must execute the trusts according to the terms of the trust instruments. The beneficiaries of the trusts having waived the requirement of a bond, Warren C. Phillips shall serve as trustee of the trusts, without giving a bond for his performance.

6. That respondent John Wentworth Evans shall pay over, transfer and deliver the assets of the Weir Family Trusts in his possession to Warren C. Phillips.

7. That petitioners shall have and recover their costs of this proceeding from respondent John Wentworth Evans.

DATED: June 17, 1991.

EDWARD M. ROSS
HONORABLE EDWARD M. ROSS
Judge of the Superior Court

SUBMITTED BY:

FIELDS, FEHN & SHERWIN

By GREGORY J. SHERWIN
GREGORY J. SHERWIN
Attorneys for Petitioners